

A VINDICATION
OF
SECESSION AND THE SOUTH

FROM THE
STRICTURES OF REV. R. J. BRECKINRIDGE, D. D., LL. D.,

IN THE
DANVILLE QUARTERLY REVIEW

By B. M. PALMER, D. D.,
NEW ORLEANS, LA.

[FROM THE SOUTHERN PRESBYTERIAN REVIEW FOR APRIL, 1861.]

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Discourse delivered by REV. DR. R. J. BRECKINRIDGE, on the day of National Humiliation, January 4th, 1861, at Lexington, Ky.

Our Country: its Peril, and its Deliverance. From advance sheets of the Danville Quarterly Review for March, 1861. By the REV. ROBERT J. BRECKINRIDGE, D. D., LL. D., Professor in Danville Theological Seminary.

Perhaps no writer in the Presbyterian Church is more entitled to a respectful hearing upon the questions which now agitate and divide the country, than the author of the two pamphlets whose titles are given above. The studies and pursuits of his early manhood were precisely such as to acquaint him with the subjects involved; while his great intellect, which has never faltered in any investigation, is fully competent to grasp the nature of parties, to expound the principles upon which they are formed, and to depict the results to which they naturally tend. It is not surprising, therefore, that the Danville Quarterly should signalize its advent into the circle of periodical literature by an elaborate political essay from the pen of its most distin-

guished editor, nor that this production should be selected and sent forth as an *avant courier* to herald its approach. When, too, the newspaper press announced the topics through which the discussion would range, public expectation was raised on tiptoe, prepared for a disquisition very far above the ordinary level of political harangues. Under an arrangement of subjects at once philosophical and exhaustive, such a thinker as Dr. Breckinridge might, if any one could, offer a solution of existing political problems. Considering, further, the position of Kentucky in the struggle now pending, one could not but be curious to see the middle ground which Danville should occupy between Princeton and Columbia; between the defence of Black Republicanism, on the one hand, and the advocacy of Secession on the other. It would be unjust to say that these anticipations have been wholly disappointed; for upon every page the characteristics of the author's mind are clearly impressed. Of no living writer can it be said with more emphasis, in the language of Milton, that his books "preserve as in a vial the purest efficacy and extraction of that living intellect that bred them." Yet, after all, we are constrained to say that, viewing it as a whole, we have laid this pamphlet down, after a third perusal, with a feeling of disappointment raised to the third degree. As a great State paper, explaining either the way by which the country has become involved in its present entanglements, or solving the method of its extrication, it falls immeasurably below what might have been expected from the source whence it is derived. Aside from the glittering generalities in which it abounds, and uncovered of the dogmatism in which it is enveloped, it simply revives, in its boldest and most offensive form, the doctrine of a consolidated nationality held by the old Federalists; and proceeds, upon this view, to counsel the Government at Washington, temperately, but with parental firmness, to chasten into submission seven refractory sovereignties! We can imagine the smile

stealing over the visage of some experienced statesman at the temerity with which this exploded political heresy is revived; and at the coolness with which the opposite theory is ignored, which, nevertheless, has generally prevailed through the history of American legislation to the present time. When so fertile a mind as that of this eminent Divine can suggest nothing to meet the exigencies of the Union but what is contained in this pamphlet, it is fair to conclude the bottom of the argument on that side to be reached. And if a decisive proof is required to show the necessity of the great revolution which has taken place at the South, it is furnished in this final argument, which constructs for the whole country a despotism as overwhelming and hopeless as any which has bowed down and broken the spirit of man in any age or portion of the world.

We shall endeavor to make these positions good in the following pages. Dr. Breckinridge is too old a polemic to hope, in a time of deep agitation, like the present, that any *ex cathedra* pronouncement of his opinions can shield them from scrutiny. He may rest assured, however, that no expression shall consciously fall from this pen, inconsistent with that profound respect in which his genius and reputation have been held by the writer for more than twenty years.

In order that the reader may be able to judge of the fairness and sufficiency of this rejoinder, it will be necessary to present an analysis of the pamphlet under review. Like a true philosopher, Dr. Breckinridge begins with the beginning. In tracing the perils of the country, he can of course rise no higher than to the "spirit of anarchy," of which they are all begotten; which is accordingly made the *first* of his five divisions. This spirit of anarchy commenced with the Abolition party; existing only as a fanaticism, from which it speedily rose to the dignity of a State principle, in the liberty bills which were afterwards enacted

—mounting at length to the highest national importance, by dividing the whole nation into two opposite parties—and, finally, upon Mr. Lincoln's election, reaching its consummation in the secession of seven States from the Federal Union. Amidst this chaos, the author proceeds, in his *second* leading division, to consider whether there remains any ground for hope and effort. From a number of facts rapidly grouped together, such as that a large minority in the North is thoroughly opposed to the distinctive principles of the Republican party, that many who voted for Mr. Lincoln, are far more Whigs and Americans than Republicans, that many Republicans themselves are patriotic men, who, upon any clear issue, will not hesitate to sacrifice their party to their country; from these facts, he infers a speedy and certain revolution in the Northern mind, which will sweep from power the anarchists who have brought the country to the verge of ruin. In like manner, assuming that the secession of the Cotton States has not been, as to the popular masses, either spontaneous or cordial, but the result of an organized conspiracy, which has hurried those States along by a sudden and irresistible current of opinion, he predicts a corresponding reaction at the South; so that if the border slave States shall remain steadfast in their loyalty to the Union, "the secession movement must prove a failure, both as to its avowed and as to any concealed object." To guard against the defection of these, certain "immense considerations" are presented; in the statement of which we have a very distinct enunciation of the author's Federal creed. This argument is enforced by the two additional considerations, that "this blind and fierce spirit of anarchy" is "in frightful antagonism to the total civilization of the age," as well as to "the dominion and purpose of God over and concerning our country," which is neither, on the one hand, that slavery should be extinguished, nor, on the other, that it should be perpetuated. So endeth the second lesson.

The question of negro slavery being the occasion, at least, if not the cause, of these commotions, it becomes necessary, in the *third* chapter, to consider whether any view of it can be presented, upon which the whole country should harmonize. "It may be discussed in the light of divine revelation, or in the light of the law of nature, or in the light of the political and municipal institutions of the countries where it exists." In this last aspect, the author affirms "there ought to be no dispute concerning it," it being strictly a domestic institution, with which no State nor the General Government may interfere in any wise—every plea to the contrary being immoral in itself, and revolutionary in its tendency.

As regards the law of nature, the grand difficulty occurs of interpreting its utterances, as made by the *human reason*, by the *common impulses of the human soul*, by the *common opinion and belief of the race*, and by the *actual execution of the law*, in the common state of that race in all ages. But "human reason," the author concludes, "lands the problem very nearly in a paradox." The common impulse of the soul towards freedom "is no evidence that restraint is wrong," and "fails of proving that they who cherish it would do aught but mischief," if it were universally gratified. If, again, "it was the common belief of the race, that servitude was contrary to the nature of man, then the race had before it always, in the actual condition of a larger part, the clearest proof that the belief was absurd." And finally, the testimony from the actual execution of the law is frightful and universal, to wit: that "all, every where, have felt themselves to be naturally impelled to reduce each other into a condition of subjection." From these confused, and perhaps "contradictory utterances," it only remains to turn to "the Word of God, where this great problem is completely solved." In the light of this Book, Dr. Breckinridge considers "human servitude, in all its forms, as one of the badges of the fallen condition of the

human race," and incident to man in a state of probationary discipline as a sinner. Like war and sickness, and sorrow and poverty, and pain and affliction, which are evils incident to man's fallen state, and often sanctified and converted into blessings, so servitude exists "because our condition is just what it is, a condition of sin and misery in a state of probation," and "utterly incapable of being permanently and universally abolished, while this state of sin and misery continues attended with probation." "Throughout the total revelation which God has made to man, under the dispensations of Abraham, of Moses, and of Christ, embracing human servitude as it is, Abrahamic, Jewish, Christian and heathen—and the heathen aspect of it presented in every nation of antiquity, Asiatic, African and European; in not a single instance is it represented as a thing good in itself, or as a thing sinful in itself, but always as a thing actually existing, always to be expected, allowed by God, considered and treated in His law, regulated by His providence, wholly indifferent as concerning His grace, and to enter into our final account with Him, both as we may be masters and as we may be servants." The final inference is, that God's Word, being the only source from which a positive and safe judgment can be formed, "condemns all the pretexts concerning negro slavery, whether at the North or the South, upon which the public mind has been lashed into madness."

Plainly, if these conclusions shall be universally accepted, there is no reason why the question of slavery should destroy the integrity of the country. The way is then open for the author, in his *fourth* section, to submit a project for an *amicable settlement*.

Believing the Federal Constitution to recognize property in slaves, and to provide for the return of such as escape from service, and firmly persuaded of the equality of the States in the Union, and especially as that bears upon the question of slavery in the Territories, these two points

offer a clear basis for this settlement. In what practicable form this common right to a common property shall be recognized, is rather intimated than formally expressed. But as all the Territories can not be made wholly free, nor wholly slave, without a dissolution of the Union, no alternative remains but an equitable division of the common domain, founded upon the recognition of a common inheritance.

As, however, the concession of both these points must be made by the North, which has the numerical majority, what hope is there of inducing her to consent to the same in the face of the Personal Liberty Bills passed in many of the States, and in opposition to the dogma upon which Mr. Lincoln comes into power, the repression of slavery within the Territories? The considerations which Dr. Breckinridge urges to induce the acceptance of these terms, are as follows: "That with the North the whole affair is a sentiment, an opinion—that she has not one dollar of estate at stake—not one dollar of income directly dependent on slavery; with her, slavery has no necessary bearing upon the social, economical, personal or political condition of any State or individual; and, finally, as this nation was once composed exclusively of slave States, every consideration of decency and good faith obliges her to be more, instead of less, observant of the duties she owes to those who remain in the condition once common to all." On these points the contrast is so great between her position and that of the South, that "the whole feeling of loyalty to the Union in the South, is connected with an abiding confidence that the North will act as becomes her in this emergency." He plainly intimates that only by such concessions can "the secession pestilence" be arrested, and that "upon these two points public opinion in the slave States which have not seceded, is struggling at this moment." Such, then, is the balance in which this amicable settlement is now suspended.

Nothing remains for the author to discuss, under his *fifth* head, but the duty of the Government at Washington in relation to secession. Having assumed that this is a consolidated nation, secession comes to be denounced as sedition, anarchy and rebellion, which must be crushed by the central authority. "By the express terms, as well by the very nature of the Federal Constitution, a secession ordinance in the South is as totally void as a personal liberty law in the North can possibly be." "There was no more legal necessity, nor any more logical consistency, in diatribes about lack of power to *coerce a State*, in one case than in the other." The doctrine that the people of a State are citizens of the United States only through its own Constitution and Government, is pronounced a political falsehood, and the power is declared complete to execute the laws of the United States upon *every citizen of the United States*, where ever found. He declares it "sheer folly to weaken the posture of the General Government towards the secession movement;" and is accordingly very severe upon those at the North who have united in protests against coercion, as all this but tends to "avert the coming reaction which may save the country." His deliberate counsel, therefore, is, in this great emergency, that the General Government shall steadily but temperately enforce the laws, postal, revenue, and every other, in all the seceding States, in utter disregard of all the ordinances these latter may have enacted, avoiding armed collision, except in repelling force by force. By this policy, to which he denies the term coercion, the voice that has not yet been heard, and the hand that has not yet been lifted—even the voice and the hand of this *great nation*—will be raised to restore the old Union to its former integrity.

We have thus presented a fair but condensed summary of the pamphlet under review. Without following the ramifications of the argument, or taking up many valuable side thoughts, by which it is enforced—which, with so terse

and suggestive a writer, would require the transcription of the entire essay—we have faithfully followed the main track of thought from beginning to end. As the reader may have perceived, there is not a single new suggestion—not a single principle—which, however ably put by the writer, has not been presented fifty times before. Indeed, his argument has no value except as addressed to the border States, dissuading them from being drawn into the vortex of secession, or as an irenicum addressed to the North, stemming the tide of abolition sentiment, and securing the guarantees necessary to satisfy Southern feeling in Kentucky and elsewhere. It was mainly with these objects in view, we suppose the argument to have been constructed. Had Dr. Breckinridge been content to restrain his discussion within that range, we should not have considered it necessary to offer a reply. Desirable as it may be, for many reasons, that all the slave States should unite in forming a homogeneous Confederacy, yet this is a matter which must be remitted to the sovereign discretion of each. We, at least, have no desire to dictate the course which others should pursue; and Dr. Breckinridge, as a loyal son of Kentucky, might, without a word of dissent from us, assist in moulding the local policy of his own State. So, again, we can not but wish that the fanatical North may be dispossessed of him whose “name is Legion,” and be found at last “clothed and in their right mind,” prepared to fulfil their sworn obligations to the Constitution, to which they have so long been recreant. The views presented to this end, in the third section of the pamphlet before us, we substantially endorse. They are precisely such, for the most part, as have been held by Christian men throughout the South for many years; and are considerably in advance of what we had supposed Dr. Breckinridge could conscientiously defend. We congratulate him on the satisfactory progress he has made since 1849, when he could advocate prospective emancipation in Kentucky, distinctly upon the grounds

that hereditary slavery was "contrary to the natural rights of mankind," "opposed to the fundamental principles of free government," "inconsistent with a state of sound morality," and "hostile to the prosperity of the Commonwealth." * We do not charge this as an inconsistency, but note it as a sign of progress. It gives us hope that, if Kentucky shall see fit to repudiate his principles in 1861 as unequivocally as she did in 1849, he may yet find his way even to defend secession itself, as not repugnant to the principles of sound republicanism. However this may be, we have no strictures to make upon his present exposition of negro slavery, as condemned neither by the clear teachings of revelation, on the one hand, nor by the confused utterances of the law of nature on the other. We sincerely hope his pregnant suggestions upon this subject may be kindly accepted by his neighbors north of the Ohio.

But the limits within which he might have written and reigned with undisturbed supremacy have been transcended.

"No pent up Utica confines his powers,
The whole boundless Continent is his."

No government will fill the eye of his ambition, which does not span the breadth of a hemisphere, and bathe its feet at once in the waters of the Gulf and of the Lakes. The silver trumpet is taken from the wall to break the slumber of an enchanted nation, which must rise and shake itself for an imperial career. The spectre of disunion must hie back to its grave among the buried seditions of the past. Whole States, stripped of their sovereignty, stand shivering before his buffeting and scorn, to be sent, like whipped children of the nursery, whimpering and supperless to bed. In short, Dr. Breckinridge has spoiled a fine part by over-acting. Had he been content to advise Kentucky, without abusing South Carolina—had he been satisfied with sooth-

* Biblical Repository, October, 1849, vol. 21.

ing the factious North, without crying the dogs of war upon the hunted South—this rejoinder would never have been evoked. The cloak of the philosopher has been too scant to hide the burly form of the partisan. He pours forth his defamatory charges upon the seceding States with a wealth of expression only at the command of this great master of the English tongue. Anarchy, disloyalty, revolt, revolution, rebellion, fanaticism, sedition, form the alphabet of an almost exhaustless invective, which, by endless transposition and iteration, make up a description so hideous that its very deformity should prove it a caricature. His caustic denunciation can only expend itself in superlatives specially constructed by coupling together the fiercest phrases. Secession is not simply secession, but it is “the secession pestilence,” or it is “the explosion of human passions,” or “a revolution accomplished by terror, under the guidance of irresistible fanaticism.” It is not only anarchy, but “anarchy fierce and blind,” in “frightful antagonism to the total civilization of the age.” It not only springs from hatred of the Union, but a hatred that is “chronic” and “frantic.” It is “a movement in revolting disregard towards God’s dealings,” and “proclaims shocking conceptions of our mission.” The people have always been “precipitated into revolution,” and “lashed into madness.” And this, too, in a document which, in its opening paragraph, purports to be a manifesto to posterity; an appeal to the collective and impartial opinion of mankind is the verdict of history, whose judicial sentence is only less terrible than that of the last day. We will obey his summons before the dread tribunal, and purge ourselves of the calumny which has been heaped upon our good name.

Even this is not all; having proscribed and put us under the ban of eternal infamy, he would kindle with his eloquence the present resentment of an entire nation, that we may perish in its flame. He translates the Constitution, that great charter of civil freedom, into a grant of absolute

dominion to an imperial despot; and, having consolidated all power at Washington, he would consolidate all opinion, from the Tennessee to the St. Lawrence, to become the minister of summary vengeance. Stone is laid upon stone in the solid masonry of his argument; but as the huge pyramid rises before us, it is only to become the sepulchre where the last hope of American liberty is to be laid at rest for ever. We must tell him the day has not yet come for these sad obsequies to be performed. Seven States love republican institutions too well to surrender without a struggle the sacred inheritance; and, while he is shouting for an empire, we will contend for a republic. Assuredly, whatever else this secession movement may or may not accomplish, it has sounded the knell of despotism on this continent, and rendered possible the hope of transmitting the principles of republican government, which our patriot fathers toiled and bled to achieve. These sentences will, perhaps, sufficiently indicate the general tenor of this reply, as partly apologetic—partly expository.

Dr. Breckinridge prefers the charge of anarchy with equal vehemence against the Abolitionism of the North, and the Secessionism of the South, a couple generally lashed together in his unsparing invectives. As to the former, we abandon it to his tender mercies. May his eye not pity, nor his hand spare! Under his scorching anathema, may it wither to its deepest root! But the application of this term to the South is against the testimony of stubborn and flagrant facts. He does not indeed trouble himself much to define the terms which he bandies about so profusely, and only by inference can we gather what he precisely intends by this opprobrious epithet. On page four, he describes it as “working unto the disintegration, the morselment of all things;” and on page five, somewhat more rhetorically, as “the spirit which tramples under foot those institutions which every where have been esteemed most sacred, and every where despises the most venerable

and the most cherished traditions of our country and of our race." Nothing of all this is true of the seceding States. In the exercise of a prerogative which has always been claimed, and for what they deem sufficient cause, they have simply withdrawn from the old Confederacy and established a government of their own. We do not discuss at this moment the nature of that right, or the sufficiency of that cause; it is enough to say that their right to secede was no new pretension, advanced under the pressure of an emergency, but was always claimed as a prerogative of sovereignty. In this aspect of the case, the mere fact of secession does not, even *prima facie*, sustain the charge of lawlessness. Whether justifiable or not, the step was taken, not against law, but in accordance with a law which was deemed by the parties both fundamental and organic.

If we consider, further, the *manner* in which secession was accomplished, not a sign of anarchy appears; every step was in conformity with constitutional requirements, both in letter and in spirit. The people in each State were assembled in solemn Convention, called in due form, and with due deliberation. The election of delegates was free and untrammelled, without the machinery of caucuses, or the intervention of wire-working politicians. Ordinances of secession were duly framed, debated, adopted and signed, with almost a religious solemnity. Chosen delegates convened, after the manner of our fathers, with authenticated commissions, in a united Congress. A provisional government is immediately formed, adopting, almost without change, the old Constitution of the Union. With reasonable dispatch a permanent Constitution is framed, still upon the model of the old, with only such modifications as were necessary to adjudicate the principles lying at the bottom of this controversy, and to purge, as far as practicable, the intolerable abuses and corruptions which, under the old *regime*, had crept in through a per-

verted and subtle interpretation of that venerable instrument. This new Constitution is remanded to the respective States; and at this moment is being submitted to the ratification of the sovereign people in those States, in such manner as they themselves shall determine. Where in all this is "the morcelment of all things," that has been spoken of? If there be disintegration, it is not through the separation of the atoms in the mass, but by simple cleavage between adjacent laminæ. The law of cohesion still obtains between the people which make up an entire sovereignty, and these entire sovereignties separate for the express purpose of reintegrating in a new and happier union. Dr. Breckinridge is mistaken in supposing this political change to be "the disintegration of every healthful force of society." It is rather the recuperative power of indwelling life, throwing off disease, and resuming health—it is but the moulting of the eagle, putting on a brighter plumage, and springing upward from its eyrie to a bolder flight.

Since secession has taken place, what sign of anarchy has appeared in those States which have adventured its perils? With completely organized State governments, each has moved steadily forward, and life, honor and property have been as safe as under the broad shield of the Union. All lines of business have been pursued as before, scarcely a jar being felt in the transition. Notwithstanding the letters with which the country has been flooded, from mythical correspondents, describing the depreciation of property, the ruinous extent of taxation, and a general reign of terror, we venture to affirm there has been more repose in the seven Cotton States than in all the rest of the country beside. With the exception of more than usual military stir, in evidence of preparation to bide the worst that might come, and with the exception of a certain amount of financial embarrassment, arising from the political confusion of the country, there has been nothing to

distinguish this period from the calmest moments of the past.

During the long anterior conflict which has terminated in secession, what manifestation has the South made of the spirit which "tramples upon sacred institutions, and despises cherished traditions?" Through forty years she has been loyal to the Constitution, earnestly contending for rights which were in that bond, and battling against usurpations which were not there. Never, in a single instance, trespassing upon the rights of others, she has only succeeded in maintaining her own, through a vigilance which has never been permitted to slumber. Her contentment with the Constitution, and complacency in its provisions, are illustrated in her cordial readoption of it, and the reverence with which, under the new Government, she has placed it again within the ark of testimony. Nay, the very changes which have been introduced into that sacred document move in a direction precisely the reverse of anarchy. The extension of the Presidential term—the ineligibility to a second term—the removal from office of subordinates only for certain specified causes—the reference of these to the Senate—the liberty given to members of the Cabinet to discuss their measures upon the floor of either house, for ever dispensing with party organs—the practical provision for convening the States when necessary, without resorting to revolution to obtain redress—we discuss none of these points, but simply state they betray any thing else but a tendency to anarchy, if there be any definite meaning attached to that word. So that, whether we look at the secession movement in the *act*, or in the *manner*, whether in the *history subsequent*, or in the *history antecedent* to it, the charge of lawlessness can not be sustained, until a new dictionary of the English language shall be framed. The sole foundation of this charge lies in his conception of the American people as fused into one solid, granulated mass, which now appears to be crumbling

into atoms. We may not anticipate here the discussion of that point. His idolatry of the empire—that great image of Nebuchadnezzar, set up on the plain of Dura—is disturbed; shadows are passing over the old glory of the past; and he can see no wisdom in arrangements that are not stereotyped in the world of that past. Anarchy, with him, is simply change, a departure from the existing order. But all change is not anarchy; nor is every uprising of an indignant people in defence of chartered rights to be denounced as insurrection. This can be maintained only upon principles which would have made him, in 1776, a tyrant in England and a Tory in America.

Dr. Breckinridge is in grievous error upon other points besides this of anarchy. We allude to his account of the origin and spread of secession, the objects at which it aims, and the motives by which it has been prompted. His statement, gleaned from different parts of the pamphlet, is, that it took its rise in the “chronic hatred of South Carolina to the National Union”—(p. 9)—that it “was propagated from her by concerted action through an organized party, which succeeded in precipitating State after State into secession; while the masses of the people, stunned by the suddenness and vehemence and thorough organization of the movement, were borne along by it”—(p. 23). His conviction of this is so firm that he warns the country not to accept “this exaggerated and disloyal opinion of the extreme South, as irrevocably fixed”—(p. 40)—and builds the hope of future reconstruction upon the reaction which is certain to ensue—(p. 11). He further charges upon secession that it has ulterior designs to accomplish, beyond those which are avowed—(pp. 7, 9). He more than intimates that the design of the South to make slavery universal is as strong as that of the North to banish it entirely; this being “the shocking conception” they have formed as to the mission of the American people—(pp. 12, 34, 36). He further charges that the lust of power is the controlling motive of

the seceding States; "power to be diminished by remaining in the Union, and to be incalculably increased by leaving it; and that this idea, far more than disgust that the North has condemned slavery, or any apprehension that slavery will be disturbed, has precipitated them into revolution"—(p. 14). Finally, he denounces the seizure of the forts, public arms, the mint, and other national property, as plunder and robbery—(pp. 37, 39). This is a heavy indictment, and the specifications are minute. We propose to substitute authentic facts for these fictions, which are the coinage of a fertile brain, or else have been received with a credulity unworthy of a philosopher.

We deny that South Carolina has ever been actuated by so base a sentiment as "hatred of the Union;" especially, a hatred that is "chronic." Her statesmen and her people did, indeed, despair of the Republic sooner than others. With that penetration into the working of secret and potential causes which seems intuitive, Mr. Calhoun long since announced the catastrophe that has occurred, with a precision which now looks like the inspiration of prophecy. But that she has ever been disloyal to the Constitution, is historically untrue. During the Revolutionary struggle, overlaid by the British forces, she passed through unparalleled sufferings; and contributed her full proportion of blood and treasure to the common cause, as the numerous battle-fields which dot her soil abundantly show. From that day to this, in all her country's battles her sons have stood nearest to the flashing of the guns, always prodigal of life, whether amid the hammocks of Florida, or upon the plains of Mexico. In the more quiet walks of civil life, she has taken her share in the public councils, and borne her fair proportion of the public burdens, however oppressively distributed. Even in the memorable conflict of Nullification, for which she has endured long reproach, she was battling for the Constitution, and for the equal rights of which it was the bond. Upon that Constitution she

stood then—upon that Constitution she stands still—and in her departure from a faithless Union she bears it into a new sanctuary, the Palladium of liberty. But, when all hope of safety had died within her, she stood calmly under the shadow of the Capitol, before the clock which silently told the Nation's hours, and which would ere long sound the knell of its destiny. No sooner was this heard in the shout of Black Republican success, than she leaped, feeble and alone, into the deadly breach. History has nowhere upon her records a more sublime example of moral heroism. Ignorant whether she would be supported, even by her sister across the Savannah, relying on nothing save the righteousness of her cause and the power of God, she took upon her shield and spear as desperate and as sacred a conflict as ever made a State immortal. It is just this heroic devotion to principle, this faith in the right and the true, this singleness of heart in the presence of duty, and this abiding trust in the power and righteousness of God, that render her capable of a thousand martyrdoms, and incapable of political bondage. It is just this combination of attributes, crowning her with such moral dignity, that draws to her worn hill-sides and barren pines the “untravell'd hearts” of her sons; who, in all their wanderings, from the tropics to the pole, breathe no more fervent prayer than in death to sleep upon her faithful bosom until the awful day. Her accusers prejudice their own cause, when it is alleged that such a State can hate the Union. If it were true, it is only because that Union had become the synonyme of tyranny. But the breath of slander will pass over her fame as upon a burnished mirror—a moment dim—then brighter than before. The Genius of history has already wreathed the garland with which her brow shall be decked. Long may she live, the mother of heroes who shall be worthy of their birth!

The allegation, too, that the policy of secession has been “dictated” by South Carolina to the other six States, is

simply preposterous. If it were a matter of policy at all, she has enjoyed no such prestige as a political leader as to make it safe for her to venture upon its "dictation;" and the prejudice entertained against her, as "the irrepressible little State," would, under ordinary circumstances, have been a weight upon the movement. The fact is, it has not been a question of calculation and simple prudence in any one of the States—but of stern and absolute necessity—a conflict for life, "to be, or not to be." It is unstatesmanlike in the last degree to refer an agitation so deep and widespread to the superficial causes hinted in this pamphlet. It is no transient storm upon the sea from the blowing of an east wind, but it is the deep ground-swell of the ocean, heaving its waters upon the main. If ever there was a movement "spontaneous and cordial among the popular masses," this was one. We are not in the counsels of the Democratic party, to know whether its disruption at Charleston was (as Dr. Breckinridge takes on him to assert) "an act of deep intention, designed to produce exactly what has followed"—(p. 23)—but we do know that, if it were, then have their most sanguine expectations been surpassed. We do know that, after this disruption, the popular masses embarked with all their usual interest in the Presidential canvass, each voter hoping to save the Union by the election of a conservative ticket—that upon the sixth of November these masses went to bed as firmly attached to the Union as they had ever been, and awoke on the seventh, after Mr. Lincoln's election, just as determined upon resistance to his rule. The revolution in public opinion was far too sudden, too universal, and too radical, to be occasioned by the craft and jugglery of politicians. It was not their wire-dancing upon party platforms which thus instantaneously broke up the deep foundations of the popular will, and produced this spontaneous uprising of the people in the majesty of their supremacy; casting party hacks

aside, who shall have no control over a movement not having its genesis in their machinations.

The division of opinion at the South between coöperation and secession is greatly over-estimated, when vaticinations are based upon it of a speedy and certain reaction. It was simply a difference of opinion upon subordinate and collateral points; nothing more. It has never shaped itself into parties, and even as an opinion, the distinction is now almost entirely cancelled. The Coöperationists from the beginning averred—and their subsequent acts sustain the declaration—that secession was with them, as with others, the ultimate remedy. But they preferred to reach this great conclusion by successive steps. They preferred to justify the South at the bar of history, by offering to the North an ultimatum, which yet they did not expect to be accepted. They desired all the slave States, as they were involved in a common peril, after mutual conference, to move together in unbroken phalanx; both as a precaution against the contingency of civil war, and as a method of securing consideration to the new Confederacy. We shall certainly not discuss the wisdom of these suggestions. That is now a perfectly dead issue, and the disclosures which have since been made, alike in the deliberations of the Peace Conference, and in the Federal Congress at Washington, have probably more than satisfied them in acquiescing in the course which was actually pursued. If proof was needed that this difference of opinion related only to immaterial issues, it is the heartiness of this acquiescence. Certain it is, that no sooner were the Ordinances of Secession actually passed than Coöperationists stood shoulder to shoulder with extreme Secessionists, and have proved the most unflinching advocates of the new Government. The evidence is absolutely overwhelming, that, since its inauguration, the secession movement has been drawing deeper every day, and public opinion has drifted rapidly against the possibility, or even desirableness, of a

reconstruction. If there be a predestinated reaction—which Dr. Breckinridge seems to decree—he must sit longer on the mount of observation than did the prophet of old, before he shall see the sign of its coming.

The charge of “ulterior and concealed designs” is handled with a delicacy that altogether surprises us. Dr. Breckinridge is rarely satisfied to puncture with an inuendo. He always employs the genuine weapons of war, and would not be suspected of a resort to the stiletto. Why, then, does he take up this allegation so gingerly upon his fingers, as though it had thorns to prick him? In his Fast Day Discourse—which, though the briefer, is far the abler document of the two—he significantly asks the people of Kentucky, “Do you want the slave trade reopened? Do you want some millions more of African cannibals thrown amongst you, broadcast throughout the whole slave States?” This, then, on the fourth of January, was one of the “ulterior designs” of secession. Was it the recollection of this splendid prophecy, unexpectedly spoiled by the Congress of “the Cotton Confederacy,” in the interdict of this traffic by an organic law, that renders him now suddenly prudent—contenting himself with generalities that can not presently be falsified? In that same discourse, he continues his interrogatories to the people of Kentucky: “Do you want to begin a war which shall end when you shall have taken possession of the whole Southern part of this Continent, down to the Isthmus of Darien?” Perhaps this is the bug-bear now haunting his prophetic dreams. Well, there may be some thing here, for we see the wise men at Washington proposing to the powers of Europe a gracious protectorate over Mexico against the ambitious schemes of the Infant Republic; and benevolently hinting to Spain our very dangerous proximity to Cuba, a sugar-plum that Louisiana especially would like to swallow, in better security of her own great staple. Who knows but there may be in the midst of us military adventurers, as there

are in all lands, who are ambitious of making history a little prematurely? We know not how to quiet these nervous forebodings, but by suggesting that the South has notoriously been content to walk in historic paths. In all the long battle about slavery, we have planted ourselves upon history, as well as upon revelation. We have implored the North to look upon the whole subject as a question of history, and to leave it to history for solution. We have not the prescience of the prophet to forecast the distant future. We are content to deal with present realities, and leave the future to posterity, when it shall become their present. This has always been our position—nothing more, nothing less. Of all nations upon earth, we are the last to go poaching upon the inheritance of our neighbors. With the motto "*noli me tangere*," inscribed upon the banner of our defence, every instinct of self-preservation, as well as every sentiment of public decency, restrains us from military oppression; and the world may rest satisfied that in our waters, at least, the buccaneer can not find his sheltering cove. If we desire territory, we will not, with school-boy greed, pluck the apple when it is green, but will wait upon history till the time of ripeness, when it shall fall into the lap. But insinuations admit no reply. Our author is lawyer enough to know that no indictment crouched in generalities can lie in any court.

The transition is easy to his pathetic lamentation over the pious degeneracy which makes the universal extension of slavery the mission of the American people—(pp. 12, 34, 36). Was a purer fiction ever coined before? Where, in all the productions of Southern writers, political or religious, will Dr. Breckinridge find this thesis defended? Has it not always been admitted, by writers on both sides of the line, that, if African slavery exists at all, its limits must be determined by climate and soil—that precisely where it ceases to be profitable, there it will inevitably cease to exist? It is alone for this we have been contend-

ing—that, in the language of Mr. Webster, slavery may be left to be determined by nature and God. The simple statement out of which this great story of the three black crows has grown, is this, that slavery having come, in God's providence, to be the inheritance of the South, thoroughly interwoven with every fibre of society, and giving the very complexion and form of our civilization—and the historic moment having arrived, at the close of more than a Peloponnesian war, for concluding the conflict for ever—it is therefore the duty of the South, in the discharge of a great historic trust, to conserve and transmit the same. She must bravely rebuke the presumption which undertakes by legislative enactment to restrict that which can only be determined by God Himself, in the out-working of His providential purposes; and she must set over against it a claim of right to go wherever the providence of God shall choose to have it go. We have never said that it was the mission of the whole American people to extend it any where. We have never said that it was the mission of the South to do nothing but labor for that extension; but simply that, in the great impending crisis, the South would be recreant to every obligation of duty, and to every principle of honor, and to every instinct of interest, if she did not effectively contradict and rebuke the insufferable arrogance of those who assume into their hands the prerogatives of Divine legislation. If this offends the pious sensibilities of our brethren all over the land, we take occasion to say it will require some thing more to overthrow it than a holy exclamation.

With real pain we read the next specification against the South, of being actuated by the lust of power. In a penny paper, this would not have surprised us; but we expect generosity from the brave. It betrays a want of statesmanship to overlook the real causes of a great popular movement, and to base a political remedy upon motives which are purely fanciful. Why will not Kentucky and

the world believe the constant averment of the seceding South, that she has acted under the conviction of an amazing peril, and from a sense of compelling justice? Through nearly a half a century a party has been struggling for political rule, in sworn hostility to that institution upon which the life and being of the South depend. It has grown through all opposition, until it has imbued the public mind of the North with a kindred, though somewhat restrained, abhorrence of slavery. It has laid hold upon all parties as instruments of its will; and now at length, subordinating the Republicans as its pliant tool, it has throned itself upon the chair of State, and speaks with the authority of law. We need not go through all the details of a long and too familiar story, and recite the utterances and disclose the platforms of the dominant party now represented in the occupancy of the White House. What was the South to do? Submission at this stage would have been submission for ever; and since this was impossible without the surrender of all that a people can hold dear—liberty, honor, and safety—she simply, and, as we think, with great dignity, withdrew from the disgraceful and destructive association. Yet, while struggling thus for life itself, she is stigmatized by such a man as Dr. Breckinridge, with a base lust of power, or peevishly resenting the loss of a political control which she can not hope to recover.

It is certainly strange that a motive sufficiently strong to unite seven States in the solemn act of secession from the Union should never have combined them whilst in that Union; for it is notorious, upon all questions of public policy, the South has ever been found divided into parties, and arrayed often against herself. How does this fact—true up to the very date of secession—comport with this grasping ambition, which suddenly relinquishes all the traditions and advantages of the Federal Union, that she may vent her spleen for the loss of dominion? How does this allegation further consist with the exemplary patience with

which she has endured a system of revenue legislation, flagrantly and systematically discriminating against her, and in favor of the North? But the abundant fertility of her soil has enabled her to grow rich, even whilst contributing two-thirds to the revenue of the Government. Not for causes like these did she care to rupture the bonds of association which linked the whole country together. There is just so much truth as this in the charge now tabled against her. The South has looked with increasing alarm at the great increase of power at the North, by the addition of new free States: well knowing this power was destined to be wielded to her destruction. This she had reason to dread, and if, amongst the possible contingencies of the future, the question of reconstruction should be opened to debate, the South, unless she be given over to judicial blindness, will enter into no union in which the balance of power is not in some way preserved between the two sections. She will scarcely again hazard her all by trusting to a paper Constitution, without an effective provision, whether by a dual Executive, or by a perpetual equilibrium in the Senate, or by some other expedient, against the lawless will of an unscrupulous majority. She has preferred the better way of secession, and of a separate Government. Having long borne the burden of unequal taxation, it was proposed she should sustain that of political subjection also. The time had not come for her to accept the lot of Issachar, that "of a strong ass crouching between two burdens."

The truth of history must be vindicated, touching the seizure of forts and other national property, alleged against us as acts of spoliation and robbery. Let it be remembered that nothing of this sort was initiated until Major Anderson, under cover of night, spiked the cannon of Fort Moultrie, and threw himself into the impregnable fortress opposite to it in the harbor of Charleston. We have nothing to say of this as a piece of military strategy,

except that it changed at once the status of the two parties in this controversy. We have no anathemas to hurl against this gallant officer; for, his act being endorsed by the Cabinet, all censure is transferred from the subaltern to the principal. But the significance of this movement could not be mistaken. It meant coercion. The intolerable outrage was meditated of turning the batteries, which had been erected for the defence of the harbor against a foreign foe, upon the very people on whose soil they had been built. Instantly, upon the electric wires the conviction flashed throughout the South, that they were dealing with an imbecile and treacherous Government, which could not be trusted on its own parole. As a matter of simple self-defence, forts were seized, with all the public arms to be found within their domain. But at this very time of seizure, it was proclaimed by State authority that the proprietorship of the United States was distinctly recognized, that the seizure was intended only to prevent an unlawful and monstrous perversion of these munitions of war to their destruction, and that in final negotiations with the other party, the whole should be accounted for as the property of the entire country.

Precisely so with the mint at New Orleans. Money is the sinew of war; and Louisiana resolved the Federal Government should not draw from these coffers the means of her own subjugation. What then? She first takes a faithful inventory of all the mint contained, places the same on file, and publishes it to all the world. She then passes a special ordinance, through her Convention, by which the seal of the State is impressed upon this as a sacred deposit, held in trust, to be accounted for even to the uttermost farthing, in the final reckoning. We have private knowledge of the fact, that of this money, she has already paid out large sums upon drafts of the Government at Washington, to meet their public contracts. Under this exposition, what becomes of the charge of gross immorality

preferred against the seceding States? We smile in sadness over the recklessness of party zeal which draws a good and great man under the censure—“*honi soit qui mal y pense.*”

But enough of apology. Having disposed of these allegations, the severer part of our task remains, in the discussion of the theory which Dr. Breckinridge advances concerning the nature of our Government. The fundamental fallacy pervading his entire argument is the misconception that it is a consolidated popular Government, instead of being a Congress of Republics. It is this which gives point to his charge of anarchy—it is this that enables him to define secession as sedition and rebellion—it is this view of the case that drives him, in logical consistency, and against the better impulses of his heart, to advise a coercive policy, tempered with as much forbearance as may consist with a due enforcement of the supreme law. Here, then, is the *πρωτον φινδοξ* of the pamphlet: and our defence of the South is incomplete, if we spare the refutation it demands. We are well aware that the controversy is as old as the Constitution itself, and has at various periods enlisted the ablest minds of the country, who have canvassed the subject both in popular speeches and in the calmer productions of the closet. But the pressure of this grave crisis, and the nature of the assaults made upon us, compel the reopening of a discussion which might well be thought closed up and sealed for ever. In proof that we do not misrepresent our author's position, consider the emphasis with which he speaks of this “great nation,” and dwells upon the unity of its life—(pp. 11, 12). “We constitute,” says he, “one nation, whose people, however, are divided into many sovereign States”—(p. 31). “It is a political falsehood that the people of a State are citizens of the United States only through the Constitution and Government of that State”—(p. 38). This is brought out still more articulately in his Fast-Day Discourse, which in a

note is assumed as a part of the argument of the essay in the Review. "No State," writes he, "in this Union ever had any sovereignty at all, independent of, and except as they were *United States*. When they speak of recovering their sovereignty—when they speak of returning to their condition as sovereigns, in which they were before they were members of the Confederacy, called at first the United Colonies, and then the United States—they speak of a thing that has no existence; they speak of a thing that is historically without foundation." Again: "as United Colonies they were born States." "So born that each State is equally and for ever, by force of its very existence, and the manner thereof, both a part of this American nation, and also a sovereign State of itself." "The people, therefore, can no more legally throw off their national allegiance, than they can legally throw off their State allegiance; either attempt, considered in any legal, in any constitutional, in any historical light, is pure madness."—(Discourse, p. 8.) From these quotations it is evident Dr. Breckinridge does not use the term nation in a loose popular sense, to signify a body of people, inhabiting the same country, speaking the same language, deduced from the same origin, and recognizing substantially the same laws; but in the fixed political sense of a people fused into one common and solid mass, who are merely distributed into States, for the convenience of local government. His conception, therefore, of the nation, is primary; that of States, secondary and derived. The relation of the people to the central authority is immediate, and not as they are the people of the separate States. While, in a sense which it would be difficult to define, sovereignty is ascribed to the latter, it is not original and independent, but only as they are born in and under the Union; out of connection with which, they would have none. Consequently, separation from the Union is simply *felo de se*. We do not remember ever to have seen a more complete inversion of the facts of history

to sustain an *a priori* theory. The discussion narrows itself down to a single point. There is no dispute upon the fact that sovereignty, the *jus summi imperii*, resides in the people. But the dispute is, whether this sovereignty resides in the people as they are, merged into the mass, one undivided whole; or in the people as they were originally formed into colonies, and afterwards into States, combining together for purposes distinctly set forth in their instruments of Union. Dr. Breckinridge maintains the former thesis; we defend the latter; and in the whole controversy upon the legal right of secession this is the "*cardo cause*."

What, then, is the testimony of history? We find the first Continental Congress, at New York, in 1765, called at the suggestion of the House of Representatives of Massachusetts, and composed of deputies from all the Colonial Assemblies represented therein. We find, in 1773, at the instance of the Virginia House of Burgesses, the different Colonial Assemblies appointing Standing Committees of Correspondence, through whom a confidential communication was kept up between the Colonies. We find the votes in the Continental Congress of 1774, at Philadelphia, cast by Colonies, each being restricted to one only. We find in the celebrated Declaration of Independence, in 1776, "the Representatives of the United States, in general Congress assembled," publishing and declaring "in the name and by the authority of the people in these Colonies." We find the Articles of Confederation, matured in 1777, remanded to the local Legislatures, and ratified by the several States—by Maryland, not until 1781. The circular in which this form of confederation was submitted, requests the States "to authorize their delegates in Congress to subscribe the same in behalf of the State," and solicits the "dispassionate attention of the legislatures of the respective States, under a sense of the difficulty of combining, in one general system, the various sentiments and interests of a continent, divided into so many sovereign and indepen-

dent communities.” * We recite these familiar facts to show that during the first period of our history, embracing the revolutionary struggle, the people were accustomed to act, not as an organic whole, but as constituting separate States, and combining for common and specified ends. Indeed, it could not be otherwise. Upon throwing off their allegiance to the British crown, and the sovereignty reverting to themselves, they were not destitute of a political organization through which to act. They had existed as organized, though not independent, communities before. What more natural, in their transition to new political relations, than to stand forth the communities they actually were? As separate Colonies they had been dependencies of the British Crown: when that dependence was thrown aside, in whom could the original sovereignty reside, but in the people, who were now no longer Colonies, but States—in which form of existence the people are first presented to our view. The fact that they combined against a common foe, and to secure their independence together, does not impeach their inherent sovereignty. It remains perfectly discretionary with them—that is, with the people, as States—to determine how much of this sovereignty they will retain, and how much they will surrender, in the arrangements afterwards made. In the language of Chief Justice Jay, quoted by Mr. Story, “thirteen sovereignties were considered as emerging from the principles of the Revolution, combined by local convenience and considerations—though they continued to manage their national concerns as ‘*one people*.’” We accordingly reverse Dr. Breckinridge’s proposition; we are not “one Nation divided into many States,” but we are many States uniting to form one Nation.

But let us see how the matter stands from the period of the old Confederation to the adoption of the present Con-

* Story’s *His. of the Confederation*, Vol. I., p. 212.

stitution, in 1787. When the former was found to be breaking down from its own imbecility, and the necessity of a more perfect union was becoming apparent, it is curious to see how the pathway was opened through the almost accidental action of State Legislatures. In 1785, commissioners were appointed by the States of Virginia and Maryland to form a scheme for promoting the navigation of the River Potomac and the Chesapeake Bay. As they felt the need of more enlarged powers to provide a local naval force, and a tariff of duties upon imports, this grew into an invitation from Virginia to the other States to hold a Convention for the purpose of establishing a general system of commercial relations—and this, at length, at the instance of New York, was enlarged, so as to provide for the revision and reform of the articles of the old Federal compact. Thus grew up, by successive steps, the Convention which met at Philadelphia in 1787, by which the present Constitution was drafted, submitted to Congress, as the common organ of all the States, and by it referred for ratification to these States respectively. Here we have the same great principle of the sovereignty of the people, as they are States, clearly recognized. The tentative efforts towards improving the interior commercial relations of the country, are initiated by two State Legislatures; by a third, a Convention of Delegates from all the States is suggested; and the new Constitution is finally debated and ratified by separate Conventions of the people in each—North Carolina withholding her assent till 1789, and Rhode Island till 1790. This historical review seems, to us, conclusive of the point in hand. The people—not as one, but as thirteen—revolt from the English yoke; because only as thirteen, and not as one, did they ever owe allegiance. The people—not as one, but as thirteen—unite to carry on a defensive and successful war; granting to the Continental Congress just the powers they saw fit—neither more nor less—as their common agent. The people—not

as one, but as thirteen—prepare and adopt Articles of Confederation, under which they manage their common concerns for seven years. And finally—not as one, but again as thirteen—they frame and adopt a permanent Constitution; under which they have lived for seventy years, and have grown from thirteen to thirty-four. But suppose the two dilatory States, which withheld their assent to the Constitution for two and three years, had withheld it altogether—What then? Why, says Dr. Breckinridge, “they would have passed by common consent into a new condition, and have become, for the first time, separate sovereign States.”—(Disc., p. 8.) Yes, truly, if by “*separate*” he only means isolated; but not separate in the sense of being *distinct*. But he has denied sovereignty to any State, “except as they are *United States*.” How, then, shall these two States, who, by supposition, refused to be united, become sovereign? “By common consent,” says Dr. Breckinridge, “they will pass into that condition.” But on what is this common consent to be based? Why not coerce them into Union, if the people is one Nation, and these States are fractions of that unit? Certainly it is just because their refusal to concur would be an exercise of sovereignty, and it must needs be recognized as such. Yet, if the *refusal* to concur would be an act of sovereignty, then, by equality of reason, was their *agreement* to concur an act of sovereignty. In either case, the people of these two States—and so of all the others—were antecedently and distinctively sovereign; and hence, could not owe their sovereignty to the Union which they themselves created. It is reasoning in a circle, to say that the States are sovereign only as they are *United States*, when by the force of the term, as well as by the express testimony of history, they are united only by a Union which is created in the exercise of that sovereignty. We commend this fact to the attention of Consolidationists; that two States did, for the term of three years, delay to come into the

Union under the Constitution, although they were previously in it under the Confederation. It clearly proves that the people formed the Constitution as States, and not as a consolidated Nation: and that these States were not merely election districts, into which the one Nation was conveniently distributed—but were organized communities, invested with the highest attributes of sovereignty, which they exercised again and again, by and through their supreme Conventions. If as States they could legally refuse to come into the Union, why may they not as legally withdraw from it? Upon the law maxim, “*expressio unius est exclusio alterius*,” this attribute of sovereignty remains, unless in the instrument it can be shown to be explicitly resigned.

It is plain, then, that before and at the adoption of the Constitution, the States were independent and sovereign. Have they ceased to be such by their assent to that instrument? Or, is the Federal Union simply a covenant between the people of these States for mutual benefits, and under conditions that are distinctly entered into the bond? Let us see. Much stress is laid upon the use of the words, “the people,” in the preamble of the Constitution—conveying, it is alleged, the idea of an undivided nationality. It is, however, a plain canon of interpretation, that particular terms are to be explained by the context in which they occur. This preamble further states, that “we the people,” are “the people of the United States;” a title evidently intended to embody the history of the formation of the Union as a *Congressus* of States, which, by aggregation, make up one People. In proof of this, it is a title simply transferred from the old Confederation, when no one denies that the States were separate and independent. This fact is conclusive. As the Nation is formed by the confluence of States, a periphrastic title is given, which defines the character of this nationality, as not being consolidated, but federative. It is not a little

remarkable, that no other title is employed throughout the Constitution, but this of "United States;" the composition of which, historically, describes confederation, and discriminates against consolidation. How does it happen, if the idea of a nation, as composed of individuals, simply districted into States, is the fundamental idea, not only that a baptismal name was withheld which should embody that conception, but that, on the contrary, a composite title was given, which marks precisely the opposite?

Let us now pass from the vestibule, and examine the frame-work of the Constitution itself. The first section of Article I. vests the Legislative power in a Congress, consisting of two Chambers, a Senate and House of Representatives. In the latter, population is represented. But what population? the people of the Nation as a unit, or the people of the States? Unquestionably, the latter: for Section 4 provides that "the time, places, and manner of holding the election shall be prescribed in each State by the Legislature thereof." Should a vacancy occur, "writs of election are to be issued by the executive authority of each State." Thus the States, individually, direct the election, and count and declare the vote. Plainly, this is done by the States, either as mere election districts, or else as organized communities, in the exercise of a supreme right. In addition to what has already been urged, the fact of apportioning these Representatives to the States respectively, according to the population of each, concludes against the theory that the people are fused into the mass, and determines for the idea that, under the Constitution, as before its adoption, the people represented are the people of the States in Congress assembled. In the Senate, the case is still clearer, for these States are represented as such, all being placed upon the same footing, the largest having no more power than the least. If we turn to the Executive branch of the Government, the President and Vice President are chosen by the people, indeed, but still

by the people as constituting States. The electors must equal in number the representation which the State enjoys in Congress; and they must be chosen in such manner as each State, through its Legislature, shall determine.—(Con. Art. II.) Should the election fail with the people, it must go into the Congressional House of Representatives, with the remarkable provision, that the “vote is there to be taken by States, the representation from each State having one vote.” Why so? if not to forestall the possibility, through the inequality of the States in that Chamber, of a President being chosen by a numerical majority merely, without being chosen by a concurrent majority of the States? We submit to the candor of the reader, if these constitutional provisions are not framed upon the conception that the people are contemplated as States, and not as condensed into a Nation. If this latter were the fundamental idea, could arrangements be made more effectively to conceal or to cancel it?

But it is urged that, in the adoption of the Constitution, the States have remitted, in great part, their sovereignty; and have clothed the General Government with supreme authority in the powers they have conferred. “Congress shall have power,” says the Constitution (Sec. 8, Art. I.), “to levy and collect taxes, to regulate commerce, to coin money, to declare war, to negotiate peace,” and the like; all which, it is alleged, are the acts of a sovereign. Precisely so: Congress shall have the *executive power*; but the Constitution does not say the *inherent right*. The distinction between these two goes to the bottom of the case, and will clear up much prevalent misconception. The people of the States have not parted with one jot or tittle of their original sovereignty. According to primitive republicanism, it is impossible they should do so. It exists unimpaired, just where it always resided, in the People constituting States. But these States, sustaining many relations to each other and to foreign nations, concur to manage those

external matters in common. In their confederation for this purpose, they create an organ common to them all. To that agent they confide certain trusts, which are particularly enumerated; and that it may be competent to discharge the same, they invest it with certain powers, which are carefully defined. They consent to put a limitation upon the exercise of their individual sovereignty, so far as to abstain from the functions assigned to this common agent. They come under a mutual pledge to recognize and to sustain this established Constitution, *quoad* its purposes, as the paramount law. But all this by no means implies the delegation of their sovereignty to the General Government. Power is often conferred upon municipal corporations to perform certain functions pertaining to sovereignty—as, for example, the power of taxation. But who ever dreamed that these corporations became thus *ipso facto* sovereigns; or that the State, in conferring such charters, remitted any portion of its supremacy? In like manner, the several States, in granting these powers to Congress, granted them in trust, for purposes purely executive: retaining the right inherent in themselves to revoke these powers, and to cancel at will the instrument by which they are conveyed. We confess our inability to understand this doctrine of a double sovereignty: a sovereignty which, while it is delegated to the General Government, is nevertheless supreme; and a sovereignty which, while it is retained by the States as a part of their original inheritance, is nevertheless subordinate. The very terms of either proposition appear to be solecisms. Sovereignty, however limited it may be in actual exercise, is simple, and incapable of distribution. It is a still greater contradiction to speak of a sovereign who is under subjection to a superior authority. We can very well understand how several sovereignties shall unite upon schemes which can only be executed by a restraint voluntarily imposed; but not how they shall create a power that is superior to them all. Ac-

cordingly, we find the Constitution providing in its very last article for "the establishment of this Constitution"—not *over*, but "*between*—the States ratifying the same." The distinction between these two propositions is not metaphysical, but immensely practical and substantive. The first would establish the government of a superior over subjects who obey; the second establishes a common law between equals who recognize and sustain. Still more emphatic is the tenth amendment to the Constitution, which specifies that "all powers not delegated to the United States are reserved to the States respectively, or to the people." This betrays the jealousy which watched over the formation of the Union; showing the grant to the General Government to be a grant of specified and executive powers; while all the rest remains, by inherent right, with the States in their local and permanent organization, or with the people of those States in their primal and inalienable sovereignty.

This exposition of the relation of the States to the Federal Union, is confirmed by the debates in the Convention which formed the Constitution, in 1787. Aware of the weakness of the existing Confederation, it is not strange that a party arose desirous of strengthening the central power. It was urged against the new Constitution, that no tribunal was erected to determine controversies which might arise between the States and the Nation. The Supreme Court was restricted in its jurisdiction to causes in law and equity, and could not adjudicate political differences. The proposition was, therefore, submitted to extend its powers, so as to make it the arbiter of all issues that might arise. It did not, however, prevail so as to be articulated into the Constitution. Of course, the States were thrown back upon the great principle of international law, that every sovereign must decide for himself in controverted issues, under a sense of responsibility to the opinion of mankind, and the verdict of impartial history.

To show still further the relation of the States to the Union, we will cite another fact. Three resolutions were introduced into the Convention, the first declaring "that a Union of the States *merely federal* will not accomplish the objects proposed by the Articles of Confederation;" the second, "that no treaty or treaties between the States, as sovereign, will secure the common defence;" the third, "that a *national* government ought to be established." * etc. The first two resolutions were immediately tabled; the third was adopted: but afterwards, in the course of debate, undue stress being laid upon the word "national," it was changed into "the government of the United States." †

Another method was proposed, to provide for the danger of collision between the Federal and State authorities. The sixth of Gov. Randolph's famous fifteen resolutions, empowered "the Federal Executive to call forth the force of the Union against *any member of the Union*, failing to fulfil his duties under the articles thereof." ‡ This suggestion utterly failed to secure the assent of the Convention, and the resolution was abridged as to this feature of it. The strongest Centralists in the body, as Mr. Madison and Mr. Hamilton, repudiated the principle, as tantamount to a declaration of war and a dissolution of the Union, and utterly repugnant to the genius and spirit of this Government. We can not burthen this article with the citation of authorities. These general facts are sufficient to show the view taken by the framers of the Constitution, as to the relations between the States and the central authority. They are of no little significance, at a time like this, when so many are clamoring for the coercion of the South, whether it be a *coercion of laws* or a *coercion of arms*. The puerile distinction had not occurred to these wise men of a past age, between coercing a State and the coercion of its citizens alone: a distinction perfectly legitimate, when

* Elliott's Debates, Vol. I., p. 391.

† *Ibid.*, p. 427.

‡ *Ibid.*, p. 144.

a State professes to recognize the authority of the Union, and unlawful combinations of individuals exist to resist the same; but a distinction utterly impertinent, when the State asserts her sovereign jurisdiction over her citizens, and disclaims any longer participation in the Federal Union. Manifestly, if a State, while in the Union, may not be coerced by federal power, without its "being tantamount to a declaration of war;" then, *ex fortiori*, she may not be coerced, when by her sovereign act the bonds have been sundered by which she was held under the compact, and she stands wholly without the pale of the Union.

The longest argument must have an end. We advert, finally, to the notorious fact, that in the very act of ratifying this Constitution, three States asserted their sovereign right to resume the powers they had delegated. New York declared "that the powers of government may be reassumed by the people whenever it shall become necessary to their happiness;" * and further indicates what people she means, by speaking, in the same connection, of the residuary power and jurisdiction in the people of the State, not granted to the General Government. The delegates from Virginia "declare and make known, in the name and in the behalf of the people of Virginia, that the powers granted under the Constitution, being derived from the people of the United States, may be resumed by them, whensoever the same shall be perverted to their injury and oppression." † In like manner, Rhode Island protests against the remission of her right of resumption. And while the language is not so explicit as that of New York, the meaning is precisely the same; for, as the original grantor of these powers was the people of the States, and not the collective people of the country at large, the former alone had the right to reassume. The other States made no such declarations. Indeed, as the right lay in the very nature and history of

* Elliott's Debates, Vol. I., p. 327.

† *Ibid.*

the federation, they could be made by these three only in the way of superabundant caution. This right, so solemnly asserted seventy years ago, has been sleeping upon the records of the country. It is now brought into exercise by seven States, and the issue can no longer be blinked. If the insane advice gratuitously tendered in this pamphlet should be followed by the Federal authorities, the war that ensues will be a war of principle as well as of passion: and the South will know that she is contending against tyranny in theory, as well as tyranny in practice.

It would thus appear the doctrine of withdrawal from the Union is not so novel as it has been supposed by those who scout it as monstrous. Let us see if it has not made its appearance more than once in the history of the country. When Mr. Jefferson was made Secretary of State, after his return from France, he was warmly importuned by Mr. Hamilton to throw his influence in favor of the assumption of the State debts, in order to save the Union from threatened dissolution. "He," says Mr. Jefferson, "painted pathetically the temper into which the legislature had been wrought; the disgust of those who were called the creditor States; the danger of the *secession* of their members, and the separation of the States;"* which was only averted by bringing over two of the Virginia delegation (White and Lee) to support the measure. At a later period, the passage of the Embargo Act, it is well known, inflamed the New England States to the highest degree; so that on the floor of Congress it was declared, "they were repining for a secession from the Union." In the Hartford Convention, at which five of the Eastern States were represented, the report which was adopted uses the following language: "Whenever it shall appear that these causes are radical and permanent, a separation by equitable arrangement will be preferable to an alliance by constraint among nominal

* Irving's Life of Washington, Vol. V., p. 61.

friends, but real enemies, inflamed by mutual hatred and jealousy," etc. Again: "In cases of deliberate, dangerous and palpable infractions of the Constitution, affecting the sovereignty of a State and the liberties of the people, it is not only the right, but the duty, of such a State to interpose its authority for their protection, in the manner best calculated to secure that end. When emergencies occur which are beyond the reach of the judicial tribunals, or too pressing to admit of the delay incident to their forms, States, which have no common umpire, must be their own judges, and execute their own decisions." It is a little curious that these avowals of the right of secession should come from the very section which is most chargeable with begetting the present schism: and that the very people now most ready to arm themselves for the coercion of the South could plead for an equitable and peaceful separation, so long as it was meditated by themselves. The infamy attaching to the Hartford Convention springs not from their exposition of political doctrine, but from the insufficiency of the cause impelling them to a breach of compact, and from the want of patriotism which could meditate such a step when the country was in the midst of a war with a foreign enemy.

We have thus argued the legal right of secession, without touching upon its moral aspect. Regarding the Union in the light of a compact, it is not lightly to be broken. Framed for such purposes, and under such circumstances, it was a covenant peculiarly sacred, which could not be set aside without guilt somewhere. In this regard, the seceding South is prepared to carry her cause before the world, and before God. When the Union had failed in all the ends for which it was instituted—neither "establishing justice, ensuring domestic tranquillity, promoting the general welfare, nor securing the blessings of liberty;" when these delegated powers were perverted into powers of oppression and injury; when the compact had flagrantly, and with

impunity, been broken by the other parties to it; then it became the South to assert her last right, that of a peaceful withdrawal from the partnership. If to her other wrongs this last and most atrocious of them all, an attempt at her forcible subjugation, is to be added, then will her defence be as complete as an injured people ever carried over to the judgment of posterity. On this, however, we will not enlarge. It will be seen that, upon the legal aspects of the question, we are at antipodes with the writer, whose essay we have reviewed. He affirms the people to be one, divided into many: we, that they are many, united into one. He ascribes sovereignty to the Union: we, to the States. He regards the Constitution as creating a government which is *over* the States: we regard it as a common law established *between* the States. In his view, "any attempt to throw off this national allegiance, in any legal, in any constitutional, in any historical light, is pure madness:" in our view, in every legal, constitutional, or historical light, there is no allegiance to be thrown off, and consequently there is no madness in the case. He affirms secession to be rebellion, which must be suppressed at every hazard: we, that it is an inherent right of sovereignty, which can not be disallowed without an international war. Let the reader put the two into his own scales, and decide for himself.

We rise from this discussion under the profound conviction that the separation of this country into two governments was inevitable: simply because, from the beginning, two nations have with us been in the womb—and the birth, however long delayed, must come at length. From its very formation, two antagonistic interpretations of the Constitution have prevailed, which have just been presented in contrast. The final issue would naturally be deferred, as this and the other struggled for the ascendancy. But whenever, through the expansion of territory, and the consequent increase of patronage, the political prizes should

become too great for the virtue of our people; and whenever sectional jealousies should arise, springing from different forms of society, and opposite systems of labor, the time has arrived for deciding whether the Federal Executive is a *servant* or a *sovereign*. Had the former view prevailed, the Union might have been perpetual. Had the Constitution been regarded as a compact whose bonds were mutual honor and good faith, the apprehension of a rupture would have been the surest guarantee of its observance. The very feebleness of the bond would have been its strength, as the exquisite sensibility of the eye constitutes the greatest protection of that organ. The predominance of the opposite theory has wrought the existing anarchy of which our author so loudly complains. Just because the States have been regarded as provinces, which, if rebellious, could be dragooned into submission, the North has been tempted, through its numerical majority, to sectional aggression; from which, under the other view, it would have been restrained by every consideration of honor and interest. Dr. Breckinridge, in his zeal against anarchy, has not preserved us from despotism, towards which this country has already made fearfully rapid strides. We have always admired the gigantic scale upon which his shadow has ever been cast. It has been no mean proof of his transcendent genius, that in the display of even the smallest weaknesses of our nature, he has ever succeeded in redeeming them from contempt, and of lifting them almost into the sublime. So now, when he would provide for the final destruction of this Republic, it is upon a scale of grandeur that would make her fall only second to that of ancient Rome. We will not recall to his memory the steps by which that grand Republic slipped into an Empire; nor how the legions of Gaul, or of the East, or the Pretorian Guards at home, elevated successively their puppets—until the distant barriers were swept over by barbarian hordes, burying all civilization beneath the flood. But we will

remind him that one Rome is enough for one World. With her instructive history before him, let him not push this Republic forth upon the same career, first of imperial grandeur, and then of a disintegration that will prove universal and frightful. We are not anarchists upon a scale like that. We are conservative enough to reef the sails of our ship before she drives upon the rock, and founders in the sea, with the loss of her treasures. We will put out the long-boat, and separate in time to save and perpetuate those republican principles which are dear to our hearts.

We wish the reader to observe that, whenever the question comes up for decision, whether this is to be a Republic or an Empire, this country is obliged to split in two parts. This question happens to have mixed itself up with that of slavery, the issue upon which a sectional party has succeeded in carrying the Government by assault. But if there had not been an African on this continent, this political difference must sooner or later have worked out the result which has occurred. Dr. Breckinridge is to all intents an imperialist. He has gone off upon the old notions of former ages, which doom this Republic to be a failure—and a failure the more stupendous the longer it should happen to last. If there be no other bonds holding these States together but those of central force and coercion, then, with all our boasting, we have solved no problem in politics, and made no contribution to history. But our conviction is, that the American problem is being worked out for good, and not for evil. The future historian will look back upon this movement of secession as the movement which rescued the whole country just as it was slipping into an empire—an empire to be shattered at last, after the manner of all the empires of the earth—and least of all to be endured upon this continent, where it is an utter apostacy from the political faith of our fathers.

